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AUG 04 2008

In re Application of :  
Cynthia C. Bamdad, et. al. :  
Application No. 10/809,291 : ON PETITION  
Filed: March 25, 2004 :  
Attorney Docket No. M1015.70002US01 :

This is a decision on the petition under 37 CFR 1.137(b), filed on December 13, 2007, to revive the above-identified application.

The application became abandoned for failure to file a response to the non-final Office action mailed October 4, 2005. A Notice of Abandonment was mailed on June 5, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of \$525 for a three month extension of time filed on December 13, 2007. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$525 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

This application file is being referred to the Technology Center Art Unit 1641 for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions